



***DISADVANTAGED BUSINESS ENTERPRISE (DBE)
PROGRAM
49 CFR PART 26***

Patricia Kiewiz, Transit Director

Annual DBE Goal – FFY **2022-2024**

For

U. S. Department of Transportation
Federal Transit Administration

June 30, 2021



POLICY STATEMENT

Objectives (CFR Part 26.1, 26.23)

Green Bay Metro (GBM) of the City of Green Bay has established a Disadvantaged Business Enterprise (DBE) program in accordance with regulations of the U.S. Department of Transportation (DOT), 49 CFR Part 26. GBM has received Federal financial assistance from the Department of Transportation, and as a condition of receiving this assistance, GBM has signed an assurance that it will comply with 49 CFR Part 26.

It is the policy of GBM to ensure that DBEs, as defined in part 26, have an equal opportunity to receive and participate in DOT-assisted contracts. It is also our policy:

1. To ensure nondiscrimination in the award and administration of DOT – assisted contracts;
2. To create a level playing field on which DBEs can compete fairly for DOT-assisted contracts;
3. To ensure that the DBE Program is narrowly tailored in accordance with applicable law;
4. To ensure that only firms that fully meet 49 CFR Part 26 eligibility standards are permitted to participate as DBEs;
5. To help remove barriers to the participation of DBEs in DOT assisted contracts;
6. To assist the development of firms that can compete successfully in the market place outside the DBE Program.

Patricia Kiewiz, GBM Transit Director has been delegated as the DBE Liaison Officer. In that capacity, Ms. Kiewiz is responsible for implementing all aspects of the DBE program. Implementation of the DBE program is accorded the same priority as compliance with all other legal obligations incurred by GBM in its financial assistance agreements with the Department of Transportation.

GBM has disseminated this policy statement to the GBM Transit Commission and all the components of our organization. We have distributed this statement to DBE and non-DBE business communities that perform work for us on DOT-assisted contracts through public notification (advertisement in local newspapers).

A handwritten signature in blue ink, appearing to read "E. Genrich", written over a horizontal line.

Erik Genrich, Mayor of Green Bay

A handwritten date "6/1/21" in blue ink, written over a horizontal line.

Date

SUBPART A – GENERAL REQUIREMENTS

Section 26.1 Objectives

The objectives are found in the policy statement on the first page of this program.

Section 26.3 Applicability

GBM is the recipient of federal transit funds authorized by Titles I, III, V and VI of ISTEA, Pub. L. 102-240 or by Federal transit laws in Title 49, U.S. Code, or Titles I, III, and V of the TEA-21, Pub. L. 105-178. Titles I, III, and V of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), Pub. L. 109-59, 119 Stat. 1144; and Divisions A and B of the Moving Ahead for Progress in the 21st Century Act (MAP-21), Pub. L. 112-141, 126 Stat. 405.

Section 26.5 Definitions

GBM will adopt the definitions contained in Section 26.5 for this program.

Section 26.7 Non-discrimination Requirements

GBM will never exclude any person from participation in, deny any person the benefits of, or otherwise discriminate against anyone in connection with the award and performance of any contract covered by 49 CFR Part 26 on the basis of race, color, sex, or national origin.

In administering its DBE program, GBM will not, directly or through contractual or other arrangements, use criteria or methods of administration that have the effect of defeating or substantially impairing accomplishment of the objectives of the DBE program with respect to individuals of a particular race, color, sex, or national origin.

Section 26.11 Record Keeping Requirements

Uniform Report of DBE Award or Commitments and Payments: 26.11(a)

GBM will report semi-annually DBE participation to the FTA using the Uniform Report of DBE Awards or Commitments and Payments found in Appendix B to the DBE regulation.

Bidders List: 26.11(c)

GBM will create a bidders list, consisting of information about all DBE and non-DBE firms that bid or quote on DOT-assisted contracts. The purpose of this requirement is to allow use of the bidders list approach to calculating overall goals. The bidders list will include the name, address, DBE non-DBE status, age, and annual gross receipts of firms.

We will collect this information in the following ways:

GBM will use the certified DBE businesses listed for the State of Wisconsin in the WI UCP Eligibility Directory available on the WISDOT web site at [WI DOT Unified Certification Program \(UCP\) DBE certified firms](#)

Section 26.13 Federal Financial Assistance Agreement

GBM, City of Green Bay has signed the following assurances, applicable to all DOT-assisted contracts and their administration:

Federal Financial Assistance Agreement Assurance: 26.13(a)

GBM shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any DOT assisted contract or in the administration of its DBE Program or the requirements of 49 CFR Part 26. The recipient shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure nondiscrimination in the award and administration of DOT assisted contracts. The recipient's DBE Program, as required by 49 CFR Part 26 and as approved by DOT, is incorporated by reference in this agreement. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to GBM of its failure to carry out its approved program, the Department may impose sanction as provided for under Part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 *et seq.*).

This language will appear in financial assistance agreements with sub-recipients.

[Note: This language is to be used verbatim, as it is stated in 26.13(a).]

Contract Assurance: 26.13b

We will ensure that the following clause is placed in every DOT-assisted contract and subcontract:

The contractor, sub-recipient, or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of DOT assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as the recipient, deems appropriate, which may include, but is not limited to:

- 1) Withholding monthly progress payments;
- 2) Assessing sanctions;
- 3) Liquidated damages; and/or
- 4) Disqualifying the contractor from future bidding as non-responsible.

[Note: This language is to be used verbatim, as it is stated in 26.13(b)]

SUBPART B - ADMINISTRATIVE REQUIREMENTS

Section 26.21 DBE Program Updates

Since GBM has received a grant of \$250,000 or more in FTA planning capital, and or operating assistance in a Federal fiscal year, we will continue to carry out this program until all funds from DOT financial assistance have been expended. We will provide to DOT updates representing significant changes in the program.

Section 26.23 Policy Statement

The Policy Statement is elaborated on the first page of this program.

Section 26.25 DBE Liaison Officer (DBELO)

We have designated the following individual as our DBE Liaison Officer:

Patricia Kiewiz
Transit Director
901 University Avenue Green Bay, WI 54302
patriciaki@greenbaywi.gov

In that capacity, the DBELO is responsible for implementing all aspects of the DBE program and ensuring that GBM complies with all provision of 49 CFR Part 26. The DBELO has direct, independent access to the City of Green Bay Mayor concerning DBE program matters. *An organization chart displaying the DBELO's position in the organization is found in Attachment 4 to this program.*

The DBELO is responsible for developing, implementing and monitoring the DBE program, in coordination with other appropriate officials. The duties and responsibilities include the following:

1. Gathers and reports statistical data and other information as required by DOT.
2. Reviews third party contracts and purchase requisitions for compliance with this program.
3. Works with all departments to set overall annual goals.
4. Ensures that bid notices and requests for proposals are available to DBEs in a timely manner.
5. Identifies contracts and procurements so that DBE goals are included in solicitations (both race-neutral methods and contract specific goals attainment and identifies ways to improve progress.
6. Participates in pre-bid meetings.
7. Advises the CEO\governing body on DBE matters and achievement.
8. Provides DBEs with information and assistance in preparing bids, obtaining bonding and insurance.
9. Provides outreach to DBEs and community organizations to advise them of opportunities.
10. Maintains GBM's updated directory on certified DBEs.

Section 26.27 DBE Financial Institutions

It is the policy of GBM to investigate the full extent of services offered by financial institutions owned and controlled by socially and economically disadvantaged individuals in the community, to make reasonable efforts to use these institutions, and to encourage prime contractors on DOT-assisted contract to make use of these institutions.

We have made the following efforts to identify and use such institutions:

When quoting projects or sending out request for proposals (RFP), we run a new list of DBE vendors who provide the services or materials we are seeking, and specifically contact the DBE vendor for a quote. This is done as often as bi-weekly for fuel purchases and as rarely as a construction RFP.

Information on the availability of such institutions can be obtained from the DBE Liaison Officer.

Section 26.29 Prompt Payment Mechanisms

Prompt Payment: 26.29(a)

GBM will include the following clause in each DOT-assisted prime contract:

The prime contractor agrees to pay each subcontractor under this prime contract for satisfactory performance of its contract no later than 10 days from the receipt of each payment the prime contract receives from GBM. Any delay or postponement of payment from the above referenced time frame may occur only for good cause following written approval of GBM. This clause applies to both DBE and non-DBE subcontracts.

Contract Assurance: 26.26(b)

The prime contractor agrees to return retainage payments to each subcontractor within 10 days after the subcontractors work is satisfactorily completed. Any delay or postponement of payment from the above referenced time frame may occur only for good cause following written approval of GBM. This clause applies to both DBE and non-DBE subcontracts.

Monitoring and Enforcement: 26.29(d)

GBM will monitor and enforce prompt payment and return of retainage by auditing the contractor and subcontractor payments and receipts. Violation of specified time frames could affect future ability to contract with GBM.

Section 26.31 Directory

GBM maintains a directory identifying all firms eligible to participate as DBEs. The directory lists the firm's name, address, phone number, date of the most recent certification, and the type of work the firm has been certified to perform as a DBE. We revise the Directory each contracting opportunity. GBM uses the certified DBE businesses listed for the State of Wisconsin in the WI UCP Eligibility Directory to identify DBE's for specific projects. The Directory is available on the WISDOT web site at <http://wisconsindot.gov/Pages/doing-bus/civil-rights/dbe/certified-firms.aspx>.

Section 26.33 Overconcentration

GBM has not identified that overconcentration exists in the types of work that DBEs perform.

Section 26.35 Business Development Programs

GBM has not established a business development program.

Section 26.37 Monitoring and Enforcement Mechanisms

GBM will take the following monitoring and enforcement mechanisms to ensure compliance with 49 CFR Part 26.

1. We will bring to the attention of the Department of Transportation any false, fraudulent, or dishonest conduct in connection with the program, so that DOT can take the steps (e.g., referral to the Department of Justice for criminal prosecution, referral to the DOT Inspector General, action under suspension and debarment or Program Fraud and Civil Penalties rules) provided in 26.109.
2. We will consider similar action under our own legal authorities, including responsibility determinations in future contracts.
3. We will also provide a monitoring and enforcement mechanism to verify that work committed to DBEs at contract award is actually performed by the DBEs. This will be accomplished by ensuring that the provider is a registered DBE and verifying that services or materials are provided by the DBE.
4. We will keep a running tally of actual payments to DBE firms for work committed to them at the time of contract award.

Section 26.39 Small Business Participation

GBM has incorporated the following non-discriminatory element to its DBE program, in order to facilitate competition on DOT-assisted public works projects by small business concerns (both DBEs and non-DBE small businesses):

In an effort to foster small business participation, GBM will make a reasonable effort to unbundle contracts to allow opportunities of a size that small businesses, including DBE's, can reasonably perform. GBM will require prime contractors to provide subcontracting opportunities of a size that small businesses, including DBEs, can reasonably perform, rather than self-performing all the work involved.

SUBPART C – GOALS, GOOD FAITH EFFORTS, AND COUNTING

Section 26.43 Set-asides or Quotas

GBM does not use quotas in any way in the administration of this DBE program.

Section 26.45 Overall Goals

In accordance with Section 26.45(f) GBM will submit its triennial overall goal to FTA on August 1 of the year specified by FTA.

GBM will also request use of project-specific DBE goals as appropriate, and/or will establish project-specific DBE goals as directed by FTA. The process generally used by GBM to establish overall DBE goals is as follows:

GBM will set the overall goal as a percentage of all FTA funds (exclusive of funds for purchase of transit vehicles) that will be expended in FTA assisted contracts in the three forthcoming fiscal years. If necessary, GBM will amend the goal to incorporate large projects that need an individual project goal. The base figure for the relative availability of DBE's will be calculated using the following formula:

$$\text{Base figure} = \frac{\text{Ready, willing and able DBEs}}{\text{All firms ready, willing and able}}$$

The data source for demonstrable evidence used to derive the numerator will be the certified DBE businesses listed for the State of Wisconsin in the WI UCP Eligibility Directory. The data source or demonstrable evidence used to derive the denominator will be the web site for the Census Bureau's NAICS system. NAICS codes used will include businesses with anticipated purchases in the years for which goal is being submitted, and actual purchases during the prior year.

Before establishing the overall goal triennially (as directed by the FTA), GBM will consult with the Green Bay Area Chamber of Commerce and any available minority groups to obtain information concerning the availability of disadvantaged and non-disadvantaged businesses, the effects of discrimination on opportunities for DBEs, and GBM's efforts to establish a level playing field for the participation of DBEs .

Following this consultation, we will publish a notice of the proposed overall goals, informing the public that the proposed goal and its rationale are available for inspection during normal business hours at your principal office for 30 days following the date of the notice, and informing the public that you and DOT will accept comments on the goals for 45 days from the date of the notice. GBM will publish DBE goals in the local newspaper and transit trade magazines. Normally, we will issue this notice by June 30 on the required year of goal establishment. The notice must include addresses to which comments may be sent and addresses (including offices and websites) where the proposal may be reviewed.

Our overall goal submission to DOT will include: the goal (including the breakout of estimated race-neutral and race-conscious participation, as appropriate); a copy of the methodology, worksheets, etc.

used to develop the goal; a summary of information and comments received during this public participation process and our responses; and proof of publication of the goal in media outlets listed above.

We will begin using our overall goal on October 1 of each year, unless we have received other instructions from DOT. If we establish a goal on a project basis, we will begin using our goal by the time of the first solicitation for a DOT-assisted contract for the project. Our goal will remain effective for the duration of the three-year period established and approved by FTA.

Section 26.49 Transit Vehicle Manufacturers Goals

GBM will require each transit vehicle manufacturer, as a condition of being authorized to bid or propose on FTA-assisted transit vehicle procurements, to certify that it has complied with the requirements of this section. Alternatively, GBM may, at its discretion and with FTA approval, establish project-specific goals for DBE participation in the procurement of transit vehicles in lieu of the TVM complying with this element of the program.

Section 26.51 Meeting Overall Goals/Contract Goals

GBM will meet maximum feasible portion of its overall goal using race-neutral means of facilitating DBE participation. In order to do so, GBM will:

1. Arrange solicitations, times for the presentation of bids, quantities, specifications, and delivery schedules in ways that facilitate DBE, and other small business' participation (e.g. unbundling large contracts to make them more accessible to small business).
2. Provide technical assistance and other services.
3. Ensure the inclusion of DBEs, and other small businesses, on recipient mailing lists for bidders.

GBM will use contract goals to meet any portion of the overall goal GBM does not project being able to meet using race-neutral means. Contract goals are established so that, over the period to which the overall goal applies, they will cumulatively result in meeting any portion of our overall goal that is not projected to be met through the use of race-neutral means.

We will establish contract goals only on those DOT-assisted contracts that have subcontracting possibilities. We need not establish a contract goal on every such contract, and the size of contract goals will be adapted to the circumstances of each such contract (e.g., type and location of work, availability of DBEs to perform the particular type of work.)

We will express our contract goals as a percentage of the Federal share of a DOT-assisted contract.

Section 26.53 Good Faith Efforts Procedures

Award of Contracts with a DBE Contract Goal; 26.53(a)

In those instances where a contract-specific DBE goal is included in a procurement/solicitation, GBM will not award the contract to a bidder who does not either: (1) meet the contract goal with verified, countable DBE participation; or (2) documents it has made adequate good faith efforts to meet the DBE contract goal, even though it was unable to do so. It is the obligation of the bidder to demonstrate it has made sufficient good faith efforts prior to submission of its bid.

Demonstration of good faith efforts (26.53(a) & (c))

The obligation of the bidder/offeror is to make good faith efforts. The bidder/offeror can demonstrate that it has done so either by meeting the contract goal or documenting good faith efforts. Examples of good faith efforts are found in Appendix A to Part 26.

The DBELO is responsible for determining whether a bidder/offeror who has not met the contract goal has documented sufficient good faith efforts to be regarded as responsive.

We will ensure that all information is complete and accurate and adequately documents the bidder/offer's good faith efforts before we commit to the performance of the contract by the bidder/offeror.

Information to be submitted (26.53(b))

GBM treats bidder/offers 'compliance with good faith efforts' requirements as a matter of responsiveness. Each solicitation for which a contract goal has been established will require the bidders/offerors to submit the following information:

1. The names and addresses of DBE firms that will participate in the contract;
2. A description of the work that each DBE will perform;
3. The dollar amount of the participation of each DBE firm participating;
4. Written and signed documentation of commitment to use a DBE subcontractor whose participation it submits to meet a contract goal;
5. Written and signed confirmation from the DBE that it is participating in the contract as provided in the prime contractors commitment and
6. If the contract goal is not met, evidence of good faith efforts.

Administrative reconsideration (26.53(d))

Within 10 days of being informed by GBM that it is not responsive because it has not documented sufficient good faith efforts, a bidder/offeror may request administrative reconsideration. Bidders/offerors should make this request in writing to the following reconsideration official:

Patricia Kiewiz
Transit Director
901 University Avenue Green Bay, WI 54302
patriciaki@greenbaywi.gov

The reconsideration official will not have played any role in the original determination that the bidder/offeror did not document sufficient good faith efforts.

As part of this reconsideration, the bidder/offeror will have the opportunity to provide written documentation or argument concerning the issue of whether it met the goal or made adequate good faith efforts to do so. The bidder/offeror will have the opportunity to meet in person with our reconsideration official to discuss the issue of whether it met the goal or made adequate good faith efforts to do. We will send the bidder/offeror a written decision on reconsideration, explaining the basis for finding that the bidder did or did not meet the goal or make adequate good faith efforts to do so. The result of the reconsideration process is not administratively appealable to the Department of Transportation.

Good Faith Efforts when a DBE is replaced on a contract (26.53(f))

GBM will require a contractor to make good faith efforts to replace a DBE that is terminated or has otherwise failed to complete its work on a contract with another certified DBE, to the extent needed to meet the contract goal. We will require the prime contractor to notify the DBE Liaison officer immediately of the DBE's inability or unwillingness to perform and provide reasonable documentation. In this situation, we will require the prime contractor to obtain our prior approval of the substitute DBE and to provide copies of new or amended subcontracts, or documentation of good faith efforts.

If the contractor fails or refuses to comply in the time specified, our contracting office will issue an order stopping all or part of payment/work until satisfactory action has been taken. If the contractor still fails to comply, the contracting officer may issue a termination for default proceeding.

Section 26.55 Counting DBE Participation

We will count DBE participation toward overall and contract goals as provided in 49 CFR 26.55.

SUBPART D & E – CERTIFICATION STANDARDS

Section 26.61 – 26.84 Certification Process

GBM will use the certification standards of Subpart D of Part 26 to determine the eligibility of firms to participate as DBEs in DOT-assisted contracts. To be certified as a DBE, a firm must meet all certification eligibility standards. We will make our certification decisions based on the facts as a whole.

For information about the certification process or to apply for certification, firms should contact GBM's DBELO.

GBM uses Wisconsin Department of Transportation DBE list of certified firms. The certification application forms and documentation requirements can be found on the Wisconsin Department of Transportation website at <http://www.dot.wisconsin.gov/business/engrserv/dbe-main.htm>

Section 26.89 Certification Appeals

Any firm or complainant may appeal our decision in a certification matter to DOT. Such appeals may be sent to:

U.S. Department of Transportation
Office of Civil Rights Certification Appeals Branch\
1200 New Jersey Ave., S.E. West Building, 7Floor
Washington, DC 20590

We will promptly implement any DOT certification appeal decisions affecting the eligibility of DBEs for our DOT-assisted contracting (e.g., certify a firm if DOT has determined that our denial of its application was erroneous).

SUBPART F – COMPLIANCE AND ENFORCEMENT

Section 26.109 Information, Confidentiality, Cooperation

We will safeguard from disclose to third parties information that may reasonably be regarded as confidential business information, consistent with Federal, state, and local law.

Notwithstanding any contrary provisions of state or local law, we will not release personal financial information submitted in response to the personal net worth requirement to a third party (other than DOT) without the written consent of the submitter.

Monitoring Payments to DBEs

We will require prime contractors to maintain records and documents of payments to DBEs for three years following the performance of the contract. These records will be made available for inspection upon

request by any authorized representative of the *[Recipient]* or DOT. This reporting requirement also extends to any certified DBE subcontractor.

We will perform interim audits of contract payments to DBEs. The audit will review payments to DBE subcontractors to ensure that the actual amount paid to DBE subcontractors equals or exceeds the dollar amounts states in the schedule of DBE participation.

ADOPTION AND REVISION HISTORY

Adopted and approved by the Green Bay Transit Commission

Revised and updated by the Green Bay Transit Commission on August 15, 2012

Revised and updated by the Green Bay Transit Commission on July 15, 2015

Revised and updated by the Green Bay Transit Commission on April 18, 2018

Revised and updated by the Green Bay Transit Commission on June 30, 2021

ATTACHMENTS

- Attachment 1 Proposed DBE Plan and Goals – Public Notice
 - Attachment 2 Overall Goal Calculations
 - Attachment 3 Breakout: Estimated Race Neutral & Race-Conscious Participation
 - Attachment 4 Organizational Chart
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Attachment 1

Proposed DBE Plan and Goals – Public Notice

See attached. Please note there was no response from the public as a result of the publishing of the goal.



PRESS-GAZETTE
media
A GANNETT COMPANY

**STATE OF WISCONSIN
BROWN COUNTY**

GREEN BAY METRO

901 UNIVERSITY AVE

GREEN BAY WI 543021013

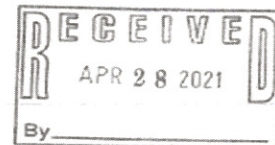
Being duly sworn, doth depose and say that she/he is an authorized representative of the Green Bay Press Gazette, a newspaper published in Green Bay, Wisconsin, and that an advertisement of which the annexed is a true copy, taken from said paper, which was published therein on:

**NOTICE OF PUBLICATION OF THE
GREEN BAY METRO SYSTEM
DISADVANTAGED BUSINESS EN-
TERPRISE (DBE) GOAL
FOR FY 2022-2024**

All interested persons are invited to submit comments regarding the Green Bay Metro's DBE Goal for the following: FY 2022, FY 2023 & FY 2024 DBE Goal 1.37% percent.
The Green Bay Metro 2022-2024 DBE goal is available for inspection from 8:00 a.m. to 4:30 p.m. Monday through Thursday at Green Bay Metro, 901 University Avenue, for 30 days following the date of this notice. Metro will accept comments for 45 days from the date of this notice. Comments can be forwarded to Patricia Kiewitz, Transit Director, by phone at 920-448-3455, by fax at 920-448-3451, or by mail at Green Bay Metro, ATTN: Ms. Patricia Kiewitz, 901 University Avenue, Green Bay, WI 54302. Comments can also be sent to the Federal Transit Administration (FTA), ATTN: Ms. Marjorie Hughes, FTA, 200 West Adams St., Suite 320, Chicago, IL 60606.
Run: April 23, 2021 WNAXLP

Account Number: GWM-284514
Order Number: 0004689352
Total Ad Cost: \$29.49
Published Dates: 04/23/2021

Legal Clerk



State of Wisconsin
County of Brown

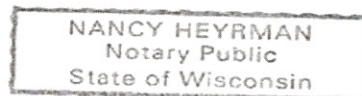
Subscribed and sworn to before on April 23, 2021

Notary Public State of Wisconsin, County of Brown

5.15.23
My Commission Expires

of Affidavits 1

This is not an invoice



GREEN BAY METRO
Re: DBE Goal

GANNETT WI MEDIA
435 EAST WALNUT ST.
PO BOX 23430
GREEN BAY, WI 54305-3430

GANNETT
Wisconsin Media
Delivering Customers. Driving Results.

PHONE 920-431-8298
FAX 877-943-0443
EMAIL legals@greenbaypressgazette.com

Attachment 2

Section 26.45: Overall Goal Calculation

Amount of Goal

1. GBM has determined its overall goal for **FY 2022-2024 as 1.37%** of the Federal Financial assistance that we will expend in DOT-assisted contracts, exclusive of FTA funds to be used for the purchase of transit vehicles.
2. GBM expects to award approximately **\$4,381,550** of DOT-assisted contracts during each year beginning **FY 2022 through FY 2024**. We have set a goal of spending approximately **\$60,196** each year with DBEs during this timeframe.

Methodology used to Calculate Overall Goal

Step 1: 26.45(c)

Determine the base figure for the relative availability of DBEs.

The base figure for the relative availability of DBEs was calculated as follows:

$$\text{Base figure} = \frac{\text{Ready, willing, and able DBEs} = 137}{\text{All firms ready, willing and able} = 4,986}$$

The data source or demonstrable evidence used to derive the numerator was the certified DBE businesses listed for the State of Wisconsin in the WI UCP Eligibility Directory available on the WISDOT website at <http://wisconsindot.gov/Pages/doing-bus/civil-rights/dbe/certified-firms.aspx>. NAICS codes used included businesses with anticipated purchases in 2022-2024 and actual purchases during 2021. The NAICS codes used were **238110, 238160, 238210, 238220, 238290, 423610, 423990, 48511, 541519, & 561621**.

The data source or demonstrable evidence used to derive the denominator was the Wisconsin establishments listed on the web site for the Census Bureau's NAICS system at <https://www.census.gov/programs-surveys/cbp/data/tables.All.html/page/2.html>. NAICS codes used included the same codes used to derive the numerator.

Using this information, we determined that the base figure for GBM's overall goal is 2.75%.

Step 2: 26.45(d)

After calculating a base figure of the relative availability of DBEs, evidence was examined to determine what adjustment was needed to the base figure in order to arrive at the overall goal.

In order to reflect as accurately as possible the DBE participation expected in the absence of discrimination, the base figure has been adjusted by 0%.

The data used to determine the adjustment to the base figure is as follows:

- Adjusting the Step One Base with the Median Past Participation: The 3-year history of GBM's DBE goal achievement is used for this calculation. The median goal achieved was **0% (4.5%, 0%, 0.7%, 0% 0%, and 0%)**. This median was added to the base goal of **2.75%** and divided by 2 = **1.37%**. Contracting opportunities in the upcoming triennial cycle are substantially similar to the past triennial period with many of the same NAICS codes being used.
- Disparity Studies: We were unable to find any disparity studies for our area.

- Analysis of Bidder's List: GBM's bidder's list was reviewed to determine the number of DBEs that have bid or quoted on our DOT-assisted prime contracts or subcontracts in the past year. The analysis reflects no further adjustment to the DBE goal.

26.45(g)(i)

GBM encourages DBE participants. Transit buses display opportunities and the website encourages DBE vendors to do business with GBM. Area chamber of commerce and the City of Green Bay Purchasing Department are consulted on DBE participation and GBM's proposed DBE goal. It was agreed upon that creating capacity is an issue in our community. A few contacts were recommended for possible DBE enhancement in our area, including local churches, the Hispanic Resource Center, and the YMCA. A list of DBE vendors from the City's purchasing software was also provided. No adjustments will be made to our goal as a result of this consultation.

From this data, we have established our adjusted goal as **1.37%**.

Attachment 3

Section 26.51: Breakout of Estimated Race-Neutral & Race Conscious Participation

GBM will meet the maximum feasible portion of its overall goal by using race-neutral means of facilitating DBE participation. GBM uses the following race-neutral means to increase DBE participation:

- Arranging solicitations, times for the presentation of bids, quantities, specifications, and delivery schedules in ways that facilitate DBE, and other small businesses' participation (e.g., unbundling large contracts to make them more accessible to small businesses).
- Providing technical assistance and other services.
- Ensuring the inclusion of DBEs, and other small businesses, on recipient mailing lists for bidders.

Although the principal way GBM has been successful in attracting DBE's in the past is to use race conscious measures. We estimate that the **2022-2024** overall goal of **1.37%** will be met 100% from race-neutral participation and 0% through race-conscious measures.

In summary, the basis of our estimated breakout of race-neutral and race-conscious DBE participation is from the DBE participation of DBEs in local procurement programs in which there are no DBE contract goals.

In order to ensure that our DBE program will be narrowly tailored to overcome the effects of discrimination, if we use contract goals we will adjust the estimated breakout of race-neutral and race-conscious participation as needed to reflect actual DBE participation and we will track and report race-neutral and race-conscious participation separately. For reporting purposes, race-neutral DBE participation includes, but is not necessarily limited to the following:

- DBE participation through a prime contract a DBE obtains through customary competitive procurement procedures
- DBE participation through a subcontract on a prime contract that does not carry DBE goal
- DBE participation on a prime contract exceeding a contract goal
- DBE participation through a subcontract from a prime contractor that did not consider a firm's DBE status making the award

We will maintain data separately on DBE achievements in those contracts with and without contract goals, respectively.

Attachment 4

Organizational Chart

